

## **Instructions for Appealing a Conciliation Court Judgment Conciliation Court**

### **DO THIS PRIOR TO THE DEADLINE SPECIFIED IN THE NOTICE OF JUDGMENT MAILED TO YOU**

Failure to follow all the requirements of the laws and rules governing removal to District Court may result in dismissal of your appeal.

The appeal forms are available free of charge at any Court Administrator's office and on the Minnesota court forms web site at [www.courts.state.mn.us/ctforms](http://www.courts.state.mn.us/ctforms) and must be completed by you or your attorney. Additional filings fees are required. A person who is unable to pay the filing fee may apply for a fee waiver upon proving inability to pay.

The following is a brief explanation of the requirements for filing an appeal. You or your attorney must perform these steps by the date specified on the Notice of Judgment which was mailed or delivered to you.

#### **1. Complete the form**

Fill out the "Demand for Removal/Appeal from Conciliation Court to District Court" and Affidavit of Good Faith" form. The Conciliation Court File Number and title of the case must be the same as they appear on the Notice of Judgment that you received. The Demand for Removal tells the Court and the other party that you want to start over with a new trial where you will again bring your evidence and make your legal arguments. You must have a good faith reason for requesting a new trial.

**DO NOT** complete the Affidavit of Service section at this time.

#### **2. Sign the completed Demand for Removal form**

If a lawyer represents the appealing party, the lawyer's name, address and phone number must be printed on the form. If the appealing party is a corporation, a lawyer must represent the corporation and the lawyer must sign the form. **If the appealing party is self-represented, the party must sign the form and list his/her address and telephone number.**

#### **3. Make copies**

Make a copy of the completed and signed form for each party to the action, including yourself.

#### **4. Serve a copy of the form**

A copy of the "Demand for Removal/Appeal form Conciliation Court to District Court and Affidavit of Good Faith" must be served on each opposing party or their attorney by first class mail. Rules of General Practice 521(b)(1)

Service may also be by personal service in accordance with the Minnesota Rules of Court, Rules of Civil Procedure, Rule 4.03 Personal Service. Service must be made by someone at least eighteen (18) years of age and not a party to the action. Papers cannot be served on Sundays or Legal Holidays.

**5. Complete the “Affidavit of Service”**

The “Affidavit of Service” is part of the form “Demand for Removal/Appeal”. The Affidavit of Service tells the Court who served the papers on the other parties and how and when the papers were served. Service must be completed within 20 days of the date that the Court mailed or delivered the Notice of Judgment to you and prior to the deadline specified in the Notice.

The person who served the papers (by mail or by personal service) should complete the “Affidavit of Service” on the “Demand for Removal/Appeal” form and sign it under penalty of perjury. Perjury is the crime of intentionally lying or misrepresenting the truth, punishable by jail or other sanctions.

**6. File forms with the Court**

The “Demand for Removal/Appeal” form with completed “Affidavit of Service” must be filed with the Court Administrator’s Office. A filing fee must be paid at time of filing, or a fee waiver must be completed and approved by a Judge.

You or your attorney must perform all six steps by the date specified on the Notice of Judgment that was mailed or delivered to you.

**If you do not understand the procedures or are unable to prepare the necessary forms you should consult with an attorney.**

Helpful materials may be found at your public county law library. For a directory, see <http://www.lawlibrary.state.mn.us/cllppubdir.rtf> . For more information, contact your court administrator or call the Minnesota State Law Library at 651-296-2775.